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RENÉE MARIE BUMB, U.S.D.J.

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Fort Dix Camp
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AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

The Honorable Renee Marie Bumb
Clarkson S Fisher Bldg & US Courthouse
402 East State Street Room 2020
Trenton, New Jersey 08608

Re: Goodchild, et al v. Ortiz et al
Case No. 1:2021-CV-00790

Your Honor,

It is with a heavy heart that I write to you today with tragic news that directly bears on the disposition of the referenced case.

Sadly, on January 22, 2021, Myron Crosby Jr., Register No. 00562-138, died from complications associated with Covid-19. At all times relevant to the class action suit before the Court, Mr. Crosby was one of the incarcerated individuals housed at the Camp. He was being held in the A-Wing and was tested on December 28, 2020 for the virus. It was not until January 4, 2021 that he was quarantined. Instead of being moved to the medical unit in the West Compound of the Low Security Prison as he requested, Mr. Crosby was instead placed in Unit 5851, a housing unit that was not in use and had no facilities or personnel appropriate for providing care for men with severe complications of the disease.

Mr. Crosby was 58 years of age, had a heart attack while in BoP custody, a history of kidney issues, morbid obesity, poorly controlled hypertension, and type-2 diabetes. All of these conditions are recognized by the CDC as factors that would make a person likely to suffer severe complications, or result in death, from Covid-19.

After suffering from worsening conditions for four days, bed-ridden, complaining of his symptoms, and asking for care, Mr. Crosby was taken to Robert Wood Johnson Hospital on or about January 8, 2021. A search of BoP.gov's 'Inmate Finder' currently lists Myron Crosby Jr.'s release date as "DECEASED." His date of death is listed as January 22, 2021. As of January 24, 2021, the BoP Coronavirus page for FCI Fort Dix lists zero deaths.

On January 11, the 38 men being held at building 5851 were moved back to the Camp. On that date, the BoP website listed 787 positive men in FCI Fort Dix, and the staff of Fort Dix could no longer spare the space. Meanwhile, as noted in our action, the B-Wing had been tested on January 6, 2021.

The Respondents decided to move the men from Building 5851 into the B-Wing on January 11. They compiled a list of the B-Wing men who tested positive and allowed them to remain in the B-Wing. All other men were moved to the A-Wing to join the men who had tested negative on January 4. The linens and lockers of the men who had tested positive from the A-Wing on January 4 had remained in the A-Wing. The men from the A-Wing who had tested negative were required to move those belongings to the central hallways of the Camp.

Unbelievably, an inmate who self-surrendered at noon on January 11 was 'Ready-Tested' and sent to live in the A-Wing two hours later. In another 'tragedy of errors' the staff realized on January 12th, that the list from the previous day's move was not complete and that they had moved five men whose results had not yet been tabulated into the disease free A-Wing. Those five men's tests shortly thereafter came in positive and thus once again the staff had exposed healthy men to the potentially deadly disease. After those 5 men were moved back to the B-Wing, the Respondents chose once again to do nothing: no tests have been performed on the more than 60 men who were exposed, including the man who had self-surrendered that day.

The day before Myron's death, a delegation of all the members of the United States Congress from the State of New Jersey, frustrated at having been ignored three times by the Director of the BoP Michael Carvajal, wrote to Michael Horowitz, Inspector

General of the Department of Justice, citing the BoP's "failure to control the outbreak" of Covid-19 at Fort Dix. The delegation asked for an investigation into, among other things, transfers to home confinement, as they were "gravely concerned that without additional oversight, the BoP will continue to endanger the lives of the incarcerated individuals and staff at FCI Fort Dix."

As mentioned in the instant case pending before this Court, no one from the Camp had contact with any person or agency outside of the Camp, besides Fort Dix staff, for months before the latest wave of infection. The only possible and plausible vector of infection was through the direct actions and omissions of the staff.

The opening words of our suit, "we have been left to die" were not dramatic hyperbole. They were a declaration that the Respondents were acting and refusing to act with deliberate indifference to human life. We pray no further lives are lost. We respectfully implore the Court to act with all possible haste to avoid further loss of life.

Respectfully submitted,

Peter Goodchild

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25 JAN 2021 PM 4 L



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